

File No. 231144

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation

Date: January 22, 2024

Board of Supervisors Meeting: \_\_\_\_\_

Date: \_\_\_\_\_

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#### OTHER

- Planning Commission Transmittal and Resolution No. 21395  
- September 28, 2023
- CEQA Determination – December 11, 2023
- Referral CEQA and PC – November 22, 2023
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
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Prepared by: John Carroll

Date: January 18, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Planning, Administrative Codes - Code Corrections Ordinance]

2  
3 **Ordinance amending the Planning and Administrative Codes to correct typographical**  
4 **errors, update outdated cross-references, and make non-substantive revisions to**  
5 **clarify or simplify Code language; affirming the Planning Department’s determination**  
6 **under the California Environmental Quality Act; making findings of consistency with**  
7 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**  
8 **adopting findings of public necessity, convenience, and general welfare under**  
9 **Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
13 **Board amendment additions** are in double-underlined Arial font.  
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
16 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. 231144 and is incorporated herein by reference. The Board affirms  
23 this determination.

24 (b) On September 28, 2023, the Planning Commission, in Resolution No. 21395,  
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The  
Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of

1 the Board of Supervisors in File No. 231144, and is incorporated herein by reference.

2 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code  
3 amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
4 in Planning Commission Resolution No. 21395, and the Board incorporates such reasons  
5 herein by reference. A copy of said resolution is on file with the Clerk of the Board of  
6 Supervisors in File No. 231144.

7 Section 2. The Planning Code is hereby amended by revising Sections 102, 121.1,  
8 Table 124, 132, 134, 136, 145.1, 145.4, 145.5, 155, 169.4, 188, 202.11, Table 209.1, Section  
9 209.3, Table 210.3, Table 210.4, Table 270, Sections 302, 305, 309, 317, 811, 1110, and  
10 1111.1 to read as follows:

11 **SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL**  
12 **DISTRICTS.**

13 (a) Purpose. In order to promote, protect, and maintain a scale of development that is  
14 appropriate to each district and compatible with adjacent buildings, new construction or  
15 significant enlargement of existing buildings on lots of the same size or larger than the square  
16 footage stated in the table below shall be permitted only as Conditional Uses.

District	Lot Size Limits
* * * *	* * * *
NC-2, NCT-2	10,000 sq. ft.
NC-3, NCT-3	
Bayview	
Cortland Ave	
Divisadero Street	
Excelsior Outer Mission Street	

1	Fillmore Street	
2	Folsom Street	
3	Geary Boulevard	
4	Hayes-Gough	
5	Inner Balboa Street	
6	Inner Taraval Street	
7	<i>Irving Street</i>	
8	Japantown	
9	<i>Judah Street</i>	
10	Lower Haight Street	
11	Lower Polk Street	
12	Mission Bernal	
13	Mission Street	
14	<i>Noriega Street</i>	
15	Ocean Avenue	
16	Outer Balboa Street	
17	Regional Commercial District	
18	San Bruno Avenue	
19	SoMa	
20	<i>Taraval Street</i>	
21	Upper Market Street	
22	Valencia Street	
23	NC-S	Not Applicable
24	* * * *	
25		

**SEC. 124. BASIC FLOOR AREA RATIO.**

(a) Except as provided in subsections (b), (c), (d), (e), and (l) of this Section 124, the basic Floor Area Ratio limits specified in the Zoning Control Table for the district in which the lot is located, or in Table 124 below, shall apply to each building or development in the districts indicated.

**TABLE 124  
BASIC FLOOR AREA RATIO LIMITS**

<i>District</i>	<i>Basic Floor Area Ratio Limit</i>
* * * *	* * * *
<u>RH-1(D), RH-1, RH-1(S), RH-2, RH-3</u>	1.8 to 1
<u>RM-1, RM-2</u>	
<u>RTO, RTO-M</u>	
SPD, NC-1, NCT-1, NC-S	
* * * *	* * * *
<u>RM-3</u>	3.6 to 1
<u>RC-3</u>	
<u>C-2</u>	
NC-3, NCT-3	
Excelsior-Outer Mission	
Fillmore	
Mission Street	
<u>RM-4</u>	<u>4.8 to 1</u>
<u>RC-4</u>	
Chinatown R/NC	1.0 to 1
* * * *	* * * *

1	MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 50, 55, or 58 foot height district	4.0 to 1
3	<u>C-3-S</u>	5.0 to 1
4	MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 65 or 68 foot height district	
6	<u>M-1, M-2</u>	
7	<u>C-3-O(SD), C-3-R, C-3-G</u>	6.0 to 1
8	MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 85 foot height district	
10	MUG, MUO, MUR, UMU, WMUG, WMUO, in a height district over 85 feet	7.5 to 1
12	<u>C-3-Q</u>	<u>9.0 to 1</u>

\*Not listed below.

\* \* \* \*

*(l) For PDR-1-B, PDR-1-D, PDR-1-G and PDR-2 Districts see Table 210.3.*

\* \* \* \*

**SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR  
REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.**

\* \* \* \*

**(g) Landscaping and Permeable Surfaces.** The landscaping and Permeable Surface requirements of this subsection (g) and subsection (h) below shall be met by the permittee in the case of construction of a new building; the addition of a new Dwelling Unit, a garage, or additional parking; any addition to a structure that would result in an increase of 20% or more of the existing Gross Floor Area; a Residential Merger, as defined in Section 317; or paving or repaving more than 200 square feet of the front setback. All front setback areas required by

1 this Section 132 shall be appropriately landscaped, meet any applicable water use  
2 requirements of Administrative Code Chapter 63, and in every case not less than 20% of the  
3 required setback area shall be and remain unpaved and devoted to plant material, including  
4 the use of climate appropriate plant material as defined in Public Works Code Section 802.1.  
5 For the purposes of this Section 132, permitted obstructions as defined by Section 136(c)(6)  
6 chimneys, Section 136(c)(14) steps, and Section 136(c)(2~~6~~7) garages in steeply sloping front  
7 setbacks~~underground garages~~, shall be excluded from the front setback area used to calculate  
8 the required landscape and Permeable Surface area. If the required setback area is entirely  
9 taken up by one or more permitted obstructions, the Zoning Administrator may allow the  
10 installation of sidewalk landscaping that is compliant with applicable water use requirements  
11 of Chapter 63 of the Administrative Code to satisfy the requirements of this Section 132,  
12 subject to permit approval from the Department of Public Works in accordance with Public  
13 Works Code Section 810B.

14 \* \* \* \*

15 **SEC. 134. REAR YARDS IN R, RC, NC, C, M, CMUO, MUG, MUO, MUR, RED, RED-MX,**  
16 **SPD, UMU, and WMUG DISTRICTS.**

17 \* \* \* \*

18 **(c) Basic Requirements.**

19 \* \* \* \*

20 (2) **RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue**  
21 **NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD**  
22 **Districts.** Except as specified in this subsection (c), the minimum rear yard depth shall  
23 be equal to 25% of the total depth of the lot on which the building is situated, but in no  
24 case less than 15 feet.

25 \* \* \* \*

1 (D) NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa  
 2 Street, Castro Street, Cortland Avenue, Divisadero Street NCT, Excelsior-Outer Mission  
 3 Street, Inner Clement Street, Upper Fillmore Street, Lower Haight Street, Judah Street,  
 4 Noriega Street, North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street,  
 5 Irving Street, Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional  
 6 Commercial District and Folsom Street Districts. Rear yards shall be provided at the  
 7 second story, and at each succeeding story of the building, and at the First Story if it contains  
 8 a Dwelling Unit.

9 \* \* \* \*

10 **SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED**  
 11 **SETBACKS, YARDS, AND USABLE OPEN SPACE.**

<b>Streets and Alleys</b>	<b>Set- backs</b>	<b>Yards</b>	<b>Usable Open Space</b>	
				<p>16 * * * *</p> <p>17 (c) The permitted obstructions shall be as follows:</p> <p>18 * * * *</p> <p>19 (24) Decks, whether attached to a building or</p> <p>20 not, at or below the adjacent first floor of occupancy, if</p> <p>21 developed as usable open space and meeting the</p> <p>22 following requirements:</p> <p>23 * * * *</p>
				<p>24 (B) Slope of more than 15 percent and</p> <p>25 no more than 70 percent. The floor of the deck shall</p>

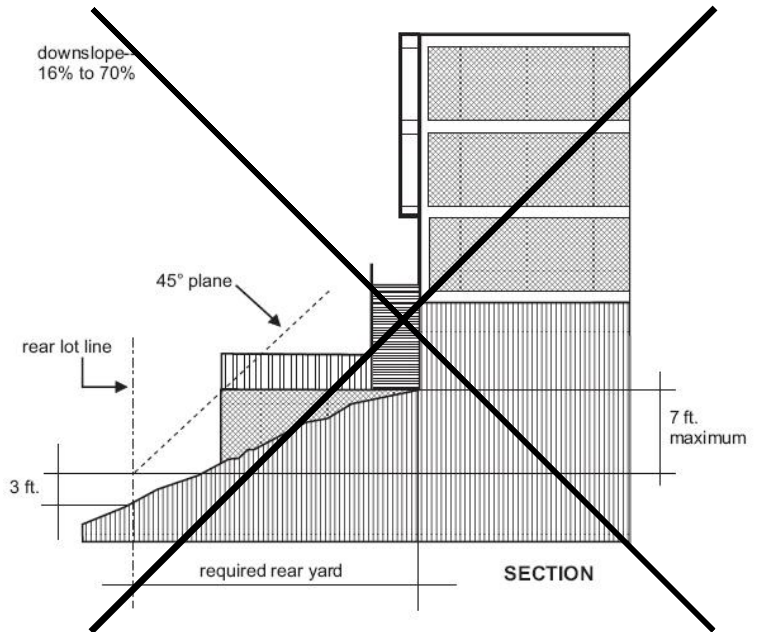
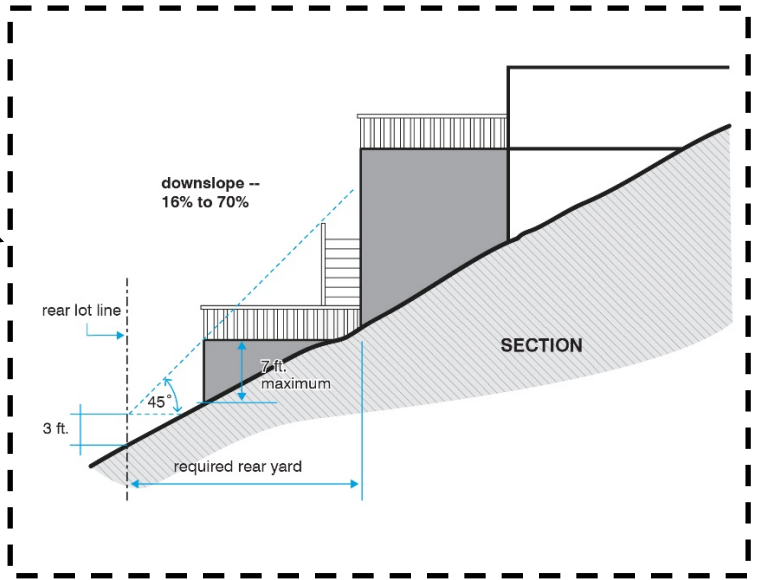


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				not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area.
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**NEW**



\* \* \* \*

**SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

\* \* \* \*

**(b) Definitions.**

1 \* \* \* \*

2 (2) **Active Use.** An “active use” shall mean any principal, conditional, or  
3 accessory use that by its nature does not require non-transparent walls facing a public street  
4 or involves the storage of goods or vehicles.

5 \* \* \* \*

6 (D) Public Facilities ~~Public Uses~~ defined in Section 102 are considered  
7 active uses except utility installations.

8 \* \* \* \*

9 **SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.**

10 \* \* \* \*

11 (e) **Modifications.** Modifications to the requirements of this Section are not permitted  
12 in DTR Districts. In Neighborhood Commercial and Commercial Districts, modifications to the  
13 requirements of this Section may be granted through the Conditional Use process, as set forth  
14 in Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to the  
15 requirements of this Section may be granted through the procedures of Section 329 for  
16 projects subject to that Section or through an Administrative Modification from the Zoning  
17 Administrator for other projects, as set forth in Section 307(h)(1)(A)(g).

18 \* \* \* \*

19 **SEC. 145.5. GROUND FLOOR STANDARDS IN INDUSTRIAL AND PDR DISTRICTS.**

20 All new buildings constructed in Industrial Districts and PDR Districts, as defined in  
21 Section 201, shall provide ground floor spaces with a minimum floor-to-floor height of 17 feet,  
22 as measured from grade. In existing buildings, a minimum clear ceiling height of 15 feet shall  
23 be retained where currently existing. Any building permit which seeks to reduce the floor-to-  
24 floor height to less than 17 feet shall require a variance as set forth in Section 305 of this  
25 Code.

1 \* \* \* \*

2 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-**  
3 **STREET PARKING, FREIGHT LOADING, AND SERVICE VEHICLE FACILITIES.**

4 \* \* \* \*

5 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In

6 order to preserve the pedestrian character of certain districts and to minimize delays to transit  
7 service, garage entries, driveways, or other vehicular access to off-street parking or loading  
8 via curb cuts on development lots shall be regulated as set forth in this subsection (r). These  
9 limitations do not apply to the creation of new publicly-accessible Streets and Alleys. Any lot  
10 whose sole feasible vehicular access is via a protected street frontage described in this  
11 subsection (r) shall be exempted from any off-street parking or loading requirement found  
12 elsewhere in this Code.

13 \* \* \* \*

14 (4) *In all zoning districts except RH, M, NC-S, P, PDR, and SALI, where an*

15 alternative frontage is not available, parking or loading access along any Transit Preferential  
16 Street as designated in the Transportation Element of the General Plan, or Neighborhood  
17 Commercial Street or Commercial Throughways defined in the Better Streets Plan, or any  
18 SFMTA Board of Directors adopted bicycle routes or lanes, may be allowed on streets not  
19 listed in subsection (r)(2) above as an exception in the manner provided in Section 309 for C-  
20 3-O(SD) Districts, Section 329 for Mixed-Use Districts, and in Section 303 for all other  
21 Districts in cases where the Planning Commission can determine that the final design of the  
22 parking access minimizes negative impacts to transit movement and to the safety of  
23 pedestrians and bicyclists to the fullest extent feasible.

24 \* \* \* \*

1 (s) **Off-Street Parking and Loading in C-3 Districts.** In C-3 Districts, restrictions on  
2 the design and location of off-street parking and loading and access to off-street parking and  
3 loading are necessary to reduce their negative impacts on neighborhood quality and the  
4 pedestrian environment.

5 \* \* \* \*

6 (4) **Parking and Loading Access.**

7 (A) **Width of Openings.** Any single development is limited to a total of  
8 two ~~F~~façade openings for parking and loading ingress or egress; these Façade openings shall  
9 conform to the requirements of Sec. 145.1(c)(2) of no more than 11 feet wide each or one opening of no  
10 more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet  
11 wide for access to off-street loading. Shared openings for parking and loading are encouraged. The  
12 maximum permitted width of a shared parking and loading garage opening is 27 feet.

13 \* \* \* \*

14 **SEC. 169.4. TRANSPORTATION DEMAND MANAGEMENT PLAN REQUIREMENTS.**

15 \* \* \* \*

16 (e) The Zoning Administrator shall approve and order the recordation of a Notice in  
17 the Official Records of the Recorder of the City and County of San Francisco for the subject  
18 property prior to the issuance of a building or site permit. The Planning Department shall  
19 maintain~~This Notice shall include~~ the Development Project’s final TDM Plan and detailed  
20 descriptions of each TDM measure for public view and access.

21 \* \* \* \*

22 **SEC. 188. NONCOMPLYING STRUCTURES: ENLARGEMENTS, ALTERATIONS, AND**  
23 **RECONSTRUCTION.**

24 \* \* \* \*

(c) In order that major life safety hazards in noncomplying structures may be eliminated as expeditiously as possible, a noncomplying structure constructed of unreinforced masonry that is inconsistent with the requirements of the UMB Seismic Retrofit Ordinance, Ordinance No. 2257-92, may be demolished and reconstructed to the same level of noncompliance; provided that:

\* \* \* \*

**SEC. 202.11. TEMPORARY LIMITATION ON CHANGE IN USE OR DEMOLITION OF NIGHTTIME ENTERTAINMENT USE.**

\* \* \* \*

**SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

\* \* \* \*

**Table 209.1**

**ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
<b>BUILDING STANDARDS</b>						
<b>Massing and Setbacks</b>						
* * * *						
<i>Side Yard</i>	<i>§§130, 133</i>	<i>Required for lots 28 feet and wider. Width of side setback depends on width of lot.</i>			<i>Not Required.</i>	
<i>Side Yard</i>	<i>§§ 130,133</i>	<i>Required for Lots 28 feet and wider.</i>	<i>Not Required</i>			

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		<u>Width of</u>	
		<u>side</u>	
		<u>setback</u>	
		<u>depends</u>	
		<u>on width</u>	
		<u>of lot.</u>	

\* \* \* \*

**SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

\* \* \* \*

**Table 209.3**

**ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

\* \* \* \*

\*Not listed below.

\* \* \* \*

(12) P within the ~~Compton's~~ Transgender Cultural District.

\* \* \* \*

**SEC. 210.3. PDR DISTRICTS.**

\* \* \* \*

**Table 210.3**

**ZONING CONTROL TABLE FOR PDR DISTRICTS**

<b>Zoning Category</b>	<b>§ References</b>	<b>PDR-1-B</b>	<b>PDR-1-D</b>	<b>PDR-1-G</b>	<b>PDR-2</b>
<b>BUILDING STANDARDS</b>					
* * * *					

1	Floor Area Ratio	§§102, 123, 124	3.0 to 1 in a 40, 45, or 48-foot height district; 4.0 to 1			
2			in a 50, 55, or 58-foot height district; 5.0 to 1 in a 65			
3			or 68-foot height district; 6.0 in an <u>80 or</u> 85-foot height			
4			district; or 7.5 to 1 in a height district over 85 feet.			
5	* * * *					
6	<b>NON-RESIDENTIAL STANDARDS AND USES</b>					
7	* * * *					
8	<b>Agricultural Use Category <u>(25)</u></b>					
9	* * * *					
10	<b>Automotive Use Category</b>					
11	* * * *					
12	Automotive	§102	P (3)	P	P	P
13	Repair <u>(25)</u>					
14	* * * *					
15	Automotive	§102, 202.2(b)	P	P	P	P
16	Service Station					
17	<u>(25)</u>					
18	Automotive	§102, 202.2(b)	P	P	P	P
19	Wash <u>(25)</u>					
20	* * * *					
21	<u>Parcel Delivery</u>	<u>§102</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
22	<u>Service (25)</u>					
23	* * * *					



1	Service, Motor	§102	P	P	P	P
2	Vehicle Tow					
3	<u>(25)</u>					
4	* * * *					
5	<b>Industrial Use Category <u>(25)</u></b>					
6	* * * *					
7	<b>Sales and Service Category</b>					
8	<b>Retail Sales</b>	§§ 102, 202.2(a)	P (1)	P (10)	P (9)	P (1)
9	<b>and Service</b>					
10	<b>Uses *</b>					
11	* * * *					
12	Kennel <u>(25)</u>	§102	NP	P	P	P
13	* * * *					
14	Trade Shop <u>(25)</u>	§102	P (11)	P	P	P
15	<b>Non-Retail</b>	§102	P (2)	NP (14)	NP (14)	P (2)
16	<b>Sales and</b>					
17	<b>Service*</b>					
18	Catering <u>(25)</u>	§102	P (5)	P	P	P
19	* * * *					
20	Storage,	§102	P (5)	P	P	P
21	Commercial <u>(25)</u>					
22	Storage,	§102	P (5)	P	P	P
23	Wholesale <u>(25)</u>					
24	Trade Office	§102	P	P	P	P
25	<u>(25)</u>					

1	Wholesale	§102	P (5)	P	P	P
2	Sales <u>(25)</u>					
3	<b>Utility and Infrastructure Use Category</b>					
4	* * * *					
5	Public Utilities	§102	P (5)	P	P	P
6	Yard <u>(25)</u>					
7	* * * *					

8 \* Not listed below.

9 \* \* \* \*

10 (15) C required when any portion of such facility exceeds a height of 25 feet above the roof  
 11 line of the building on the premises, or above the ground if there is no building, or 25 feet above the  
 12 height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height.  
 13 if taller than 25 feet above roof, grade or height limit depending on site or C also required if within  
 14 1,000 feet of an R District and includes a parabolic antenna with a diameter in excess of three  
 15 meters or a composite diameter of antennae in excess of six meters. See definition in  
 16 § 102 for more information.

17 \* \* \* \*

18 (25) Also considered a Production, Distribution, and Repair (PDR) use as defined in Sec. 102.

19 \* \* \* \*

20 **SEC. 210.4. M DISTRICTS: INDUSTRIAL.**

21 \* \* \* \*

22 **Table 210.4**

23 **ZONING CONTROL TABLE FOR M DISTRICTS**

24 Zoning Category	§ References	M-1	M-2
25 * * * *			

<b>NON-RESIDENTIAL STANDARDS AND USES</b>			
* * * *			
<b>Industrial Use Category</b>			
* * * *			
<i>Agricultural Food Fiber and Beverage Processing 1</i>	§§102, 202.2(d)	P	P
<i>Agricultural Food Fiber and Beverage Processing 2</i>	§§102, 202.2(d)	NP	P

\* \* \* \*

**SEC. 249.92**

(a) General. A special use district entitled the “Central Neighborhoods Large Residence Special Use District,” consisting of the area within a perimeter established by Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey Boulevard, Joost Avenue, Congo Street, Bosworth Street, O’Shaughnessy Boulevard, Portola Drive, Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West, Haight Street, and Buena Vista Avenue East, is hereby established for the purposes set forth in subsection (b), below. The boundaries of the Central Neighborhoods Large Residence Special Use District are designated on Sectional Map Nos. ZN06, ZN07, ZN11, and ZN12 of the Zoning Map of the City and County of San Francisco.

1           **(b) Purpose.** To protect and enhance existing neighborhood context, encourage new  
2 infill housing at compatible densities and scale, and provide for thorough assessment of  
3 proposed large single-family residences that could adversely impact neighborhood character  
4 and affordable housing opportunities, the following controls, set forth in subsections (c)-(g),  
5 below, are imposed in the Central Neighborhoods Large Residence Special Use District.

6           **(c) Applicability.**

7           (1) Except as provided in this subsection (c), the provisions of this Section 249.92  
8 apply to all lots in Residential, House (RH) zoning districts located within the Central  
9 Neighborhoods Large Residence Special Use District, in those instances where a complete  
10 Development Application was submitted on or after January 1, 2022.

11 \* \* \* \*

12           **(d) Maximum Size of Dwelling Units.** For all lots zoned RH within the Central  
13 Neighborhoods Large Residence Special Use District, no residential development or  
14 expansion of an existing Residential Building shall be permitted that would result in any  
15 Dwelling Unit exceeding 4,000 square feet of Gross Floor Area, except where the total  
16 increase of Gross Floor Area of any existing Dwelling Unit is less than 15%.

17           **(e) Conditional Use Authorizations.** For all lots zoned RH within the Central  
18 Neighborhoods Large Residence Special Use District, a Conditional Use authorization shall  
19 be required for any residential development or expansion of a Residential Building that would  
20 result in any Dwelling Unit with a Gross Floor Area exceeding the equivalent of a ~~1:1.2~~ 1.2:1  
21 Floor Area Ratio, or would result in any Dwelling Unit exceeding 3,000 square feet of Gross  
22 Floor Area, except where the total increase of gross floor area of any existing Dwelling Unit is  
23 less than 15%.

24 \* \* \* \*

(f) Conditional Use Findings. In addition to the criteria outlined in Planning Code Section 303(c)(1), in acting upon an application for Conditional Use authorization within the Central Neighborhoods Large Residence Special Use District the Planning Commission shall also consider whether facts are presented to establish, based on the record before the Commission, that the following criteria are met:

\* \* \* \*

(g) Calculation of Gross Floor Area. For the purposes of this Section 249.92, the following shall apply in the calculation of total Gross Floor Area:

\* \* \* \*

**SEC. 270. BULK LIMITS: MEASUREMENT.**

\* \* \* \*

TABLE 270 BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
* * * *			
CS	This table not applicable. But see Section 270(h).		
<u>IB</u>	<u>This table not applicable. But see Section 249.84 India Basin Special Use District.</u>		

\* \* \* \*

1 **SEC. 302. PLANNING CODE AMENDMENTS.**

2 (a) **General.** Whenever the public necessity, convenience and general welfare require,  
3 the Board of Supervisors may, by ordinance, amend any part of this Code. Such amendments  
4 may include reclassifications of property (changes in the Zoning Map), changes in the text of  
5 the Code, or establishment, abolition or modification of a setback line. The procedures for  
6 amendments to the Planning Code shall be as specified in this Section and in  
7 Sections 306 through 306.6-, and in Section 333.

8 \* \* \* \*

9 (c) **Determination.** The Planning Commission shall hold a hearing on the proposed  
10 amendment to the Planning Code. If, following its hearing, the Planning Commission finds  
11 from the facts presented that the public necessity, convenience and general welfare require  
12 the proposed amendment or any part thereof, it shall adopt either a recommendation for approval  
13 of approve such amendment or part, ~~and otherwise it shall~~ or a recommendation for disapproval of  
14 disapprove the same. If ~~approved by~~ the Planning Commission adopts a recommendation for  
15 approval in whole or in part, the proposed amendment or part shall be presented to the Board  
16 of Supervisors, together with a copy of the resolution ~~of approval~~, and the Board of  
17 Supervisors may adopt such amendment or part by a majority vote. ~~Disapproval~~ Adoption of a  
18 recommendation for disapproval of the proposed amendment or part by the Planning  
19 Commission shall have the following effect, depending upon the type of amendment involved:

- 20 (1) A proposed amendment to the Planning Code or part that had been introduced  
21 by a member of the Board of Supervisors to change the text of the Code or the Zoning  
22 Map shall be presented to said Board, together with a copy of the resolution recommending of  
23 disapproval, and said amendment or part may be adopted by said Board by a majority vote.

1 (2) In all other cases, the recommendation for disapproval of the Planning  
2 Commission shall be final, except upon the filing of a valid appeal to the Board of Supervisors  
3 as provided in Section 308.1.

4 (d) **Referral of Proposed Text Amendments to the Planning Code Back to**  
5 **Planning Commission.** In acting upon any proposed amendment to the text of the Code, the  
6 Board of Supervisors may modify said amendment but shall not take final action upon any  
7 material modification that has not been considered approved or disapproved by the Planning  
8 Commission. Should the Board adopt a motion proposing to materially modify the amendment  
9 while it is before said Board, ~~said~~the amendment and the motion proposing modification shall  
10 be referred back to the Planning Commission for its consideration. In all such cases of referral  
11 back, the amendment and the proposed modification shall be heard by the Planning  
12 Commission according to the requirements for a new proposal, except that online notice  
13 required under Section 333 need be given only 10 days prior to the date of the hearing. The  
14 motion proposing modification shall refer to, and incorporate by reference, a proposed  
15 amendment approved by the City Attorney as to form.

16 \* \* \* \*

17 **SEC. 305. VARIANCES.**

18 (a) **General.** The Zoning Administrator or the Zoning Administrator's designee shall hear  
19 and make determinations regarding applications for variances from the strict application of  
20 quantitative standards in this Code. ~~The Zoning Administrator~~He or the Zoning Administrator's  
21 designee shall have power to grant only such variances as may be in harmony with the general  
22 purpose and intent of this Code and in accordance with the general and specific rules  
23 contained herein, and ~~he shall have power~~ to grant such variances only to the extent necessary  
24 to overcome such practical difficulty or unnecessary hardship as may be established in  
25 accordance with the provisions of this Section. No variance shall be granted in whole or in

1 part which would have an effect substantially equivalent to a reclassification of property; or  
2 which would permit any use, any height or bulk of a building or structure, or any type or size or  
3 height of sign not expressly permitted by the provisions of this Code for the district or districts  
4 in which the property in question is located; or which would grant a privilege for which a  
5 conditional use procedure is provided by this Code; or which would change a definition in this  
6 Code; or which would waive, reduce or adjust the inclusionary housing requirements of  
7 Sections 415 through 415.9; or which would reduce or waive any portion of the usable open  
8 space applicable under certain circumstances in the Eastern Neighborhoods Mixed Use  
9 Districts pursuant to Section 135(i) and 135.3(d); or which would waive or reduce the quantity  
10 of bicycle parking required by Sections 155.2 through 155.3 where off-street automobile  
11 parking is proposed or existing; or which would waive, reduce or adjust the requirements of  
12 the TDM Program in Sections 169 *et seq.* A variance may be granted for the bicycle parking  
13 layout requirements in Section 155.1 of this Code. A variance may be granted for the bicycle  
14 parking layout requirements in Section 155.1 of this Code. If the relevant Code provisions are  
15 later changed so as to be more restrictive before a variance authorization is acted upon, the  
16 more restrictive new provisions, from which no variance was granted, shall apply. The  
17 procedures for variances shall be as specified in this Section and in Sections 306 through  
18 306.5.

19 \* \* \* \*

20 **SEC. 308.2. APPEALS: VARIANCES AND ADMINISTRATIVE ACTIONS.**

21 \* \* \* \*

22 (b) **Notice of Appeal.** Any appeal under this Section shall be taken by filing written notice  
23 of appeal with the Board of Appeals within 10 days after the date of the written variance  
24 decision of the Zoning Administrator or within ~~15~~30 days of any other written determination of  
25 the Zoning Administrator.



1 \* \* \* \*

2 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

3 \* \* \* \*

4 **(a) Exceptions.** Exceptions to the following provisions of this Code may be granted as  
5 provided in the code sections referred to below:

6 (1) Exceptions to the setback, streetwall, tower separation, and rear yard  
7 requirements as permitted in Sections 132.1 and 134~~(d)~~;

8 \* \* \* \*

9 (14) Exceptions to the exposure requirements ~~of as permitted in~~ Section 140.

10 \* \* \* \*

11 **SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**  
12 **DEMOLITION, MERGER, AND CONVERSION.**

13 \* \* \* \*

14 **(g) Conditional Use Criteria.**

15 \* \* \* \*

16 **(7) Removal of Unauthorized Units.** In addition to the criteria set forth in  
17 subsections (g)(1) through (g)~~(6)~~ above, the Planning Commission shall consider the criteria  
18 below in the review of applications for removal of Unauthorized Units:

19 \* \* \* \*

20 **SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

21 The Chinatown Visitor Retail~~Neighborhood Commercial~~ District extends along Grant  
22 Avenue between California and Jackson Streets. This district contains a concentration of  
23 shopping bazaars, art goods stores, and restaurants, which attract visitors and shoppers and  
24 contribute to the City’s visual and economic diversity. Grant Avenue provides an important link  
25

1 between Downtown retail shopping and the Broadway, North Beach, and Fisherman’s Wharf  
 2 areas.

3 \* \* \* \*

4 **SEC. 833. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

5 \* \* \* \*

7 **Table 833**

8 **MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

* * * *		
Zoning Category	§ References	Mixed Use-Residential District Controls
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * * *	* * * *	* * * *
<b>Non-Retail Sales and Service*</b>	§ <a href="#">102</a>	P <del>(1)</del>
* * * *	* * * *	* * * *

21 \* Not listed below

22 (1) P in historic buildings per § 803.9(b).

23 \* \* \* \*

1 **SEC. 1110. CONSTRUCTION, ALTERATION OR DEMOLITION OF SIGNIFICANT OR**  
2 **CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS.**

3 \* \* \* \*

4 (g) Notwithstanding the foregoing, in the following cases the Department may process  
5 the permit application without further reference to this Article 11:

6 \* \* \* \*

7 (3) When the application is for a permit to make interior alterations only and  
8 does not constitute a demolition as defined in this Article, unless the Planning Department has  
9 determined that the proposed interior alterations may result in any visual or material impact to  
10 the exterior of the building or when the designating ordinance or applicable Appendix in this  
11 Article requires review of such interior alterations; ~~or~~

12 (4) When the application is for a permit to construct an Accessory Dwelling  
13 Unit or Junior Accessory Dwelling Unit, provided that the Accessory Dwelling Unit or Junior  
14 Accessory Dwelling Unit conforms to the requirements of subsection 207(c)(6) of this Code;

15 (5) When the application is for a permit to install business signs or awnings as  
16 defined in Section 602 of this Code to a Significant or Contributory building or any building within a  
17 Conservation District, provided that signage, awnings, and transparency conform to the requirements  
18 set forth in Section 1111.6; or

19 (6) When the application is for a permit to install low-profile skylights that are not  
20 visible from a public right-of-way or public park, provided that the improvements conform to the  
21 requirements set forth in Section 1111.6.

22 \* \* \* \*

23 **SEC. 1111.1 DETERMINATION OF MINOR AND MAJOR ALTERATIONS.**

24 \* \* \* \*

1 (c) All applications for a Permit to Alter that are not Minor Alterations delegated to  
2 Department staff shall be scheduled for a hearing by the HPC pursuant to the procedures in  
3 Section 1111.4 and 1111.5 below. Notwithstanding the foregoing, in the following cases the  
4 Department shall process the permit application without further reference to the Permit to Alter  
5 procedures outlined herein:

6 \* \* \* \*

7 (3) When the application is for a permit to install ~~non-visible~~ rooftop  
8 appurtenances that are not visible from a public right-of-way or public park, to a Significant or  
9 Contributory building or any building within a Conservation District provided that the  
10 improvements conform to the requirements outlined in Section 1111.6 of this Code; or:

11 (4) When the application is for a permit to install business signs or awnings as defined  
12 in Section 602 of this Code to a Significant or Contributory building or any building within a  
13 Conservation District, provided that signage, awnings, and transparency conform to the requirements  
14 set forth in Section 1111.6; or

15 (5) When the application is for a permit to install low-profile skylights that are not  
16 visible from a public right-of-way or public park, provided that the improvements conform to the  
17 requirements set forth in Section 1111.6.

18 \* \* \* \*

19 Section 3. Zoning Table Amendments. The Planning Code is hereby amended by  
20 revising Table 710, Table 711, Table 712, Table 713, Table 714, Table 715, Table 716, Table  
21 717, Table 718, Table 719, Table 720, Table 721, Table 722, Table 723, Table 724, Table  
22 725, Table 726, Table 727, Table 728, Table 729, Table 730, Table 731, Table 732, Table  
23 733, Table 734, Table 735, Table 736, Table 737, Table 738, Table 739, Table 740, Table  
24 741, Table 742, Table 743, Table 744, Table 745, Table 750, Table 751, Table 752, Table  
25

1 753, Table 754, Table 755, Table 756, Table 757, Table 758, Table 759, Table 760, Table  
 2 761, Table 762, Table 763, Table 764, 780.1, to read as follows:

3 (a) Article 7 of the Planning Code is hereby amended by revising the Zoning Control  
 4 Tables for each of the Sections listed below to change the Development Standards in the  
 5 Residential Standards and Uses controls for Usable Open Space [Per Dwelling Unit] from  
 6 “100 square feet per unit if private, or 133 square feet per unit if common” to “100 square feet  
 7 if private, or 133 square feet if common, or the amount of open space required in the nearest  
 8 Residential District, whichever is less,” as shown in the following sample Zoning Control  
 9 Table:

Zoning Category	§ References	Zoning Control
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	100 square feet <i>per unit</i> if private, or 133 square feet <i>per unit</i> if common, <u>or the amount of open space required in the nearest Residential District, whichever is less.</u>

- 21 Sec. 710. NC-1 - NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT
- 22 Sec. 711. NC-2 - SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT
- 23 Sec. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT
- 24 Sec. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 25 Sec. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

- 1           Sec. 727.    LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT
- 2           Sec. 730.    INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT
- 3           Sec. 731.    NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 4           Sec. 732.    IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 5           Sec. 733.    TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 6           Sec. 734.    JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 7           Sec. 735.    INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 8           Sec. 736.    OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 9           Sec. 738.    CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
- 10          Sec. 741.    SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
- 11          Sec. 742.    COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT
- 12          Sec. 743.    LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 13          Sec. 745.    INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL
- 14                           DISTRICT
- 15          Sec. 751.    SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2
- 16          Sec. 755.    OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
- 17          Sec. 756.    GLEN PARK NEIGHBORHOOD COMMERCIAL DISTRICT
- 18          Sec. 759.    DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT
- 19                           DISTRICT

20           (b) Article 7 of the Planning Code is hereby amended by revising the Zoning Control  
 21 Tables for each of the Sections listed below to change the Development Standards in the  
 22 Residential Standards and Uses controls for Usable Open Space [Per Dwelling Unit] from “80  
 23 square feet per unit if private, or 100 square feet per unit if common” to “80 square feet if  
 24 private, or 100 square feet if common, or the amount of open space required in the nearest  
 25

1 Residential District, whichever is less,” as shown in the following sample Zoning Control  
 2 Table:

Zoning Category	§ References	Zoning Control
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	80 square feet <i>per unit</i> if private, or 100 square feet <i>per unit</i> if common, <u>or the amount of open space required in the nearest Residential District, whichever is less.</u>

- 13 Sec. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3
- 14 Sec. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL
- 15 DISTRICT
- 16 Sec. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL
- 17 DISTRICT
- 18 Sec. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 19 Sec. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL
- 20 DISTRICT
- 21 Sec. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 22 Sec. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT
- 23 Sec. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT
- 24 Sec. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT
- 25 Sec. 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

1           Sec.752.     NCT-3 MODERATE-SCALE NEIGHBORHOOD COMMERCIAL  
2                             DISTRICT

3           Sec. 760.     FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT

4

5                     (c)     Table 713. Neighborhood Commercial Shopping Center District NC-S  
6 shall be amended as follows:

7

8                     **Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**  
9   **ZONING CONTROL TABLE**

10           \* \* \* \*

11

Zoning Category	§ References	NC-S Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	Generally, either 100 square feet if private, or 133 square feet if common, <i>or the amount of open space required in the nearest Residential District, whichever is less.</i> (1)

20

21           \* \* \* \*

22                     (d) Article 7 of the Planning Code is hereby amended by revising the Zoning Control  
23 Tables for each of the Sections listed below to change the Development Standards in the  
24 Residential Standards and Uses controls for Usable Open Space [Per Dwelling Unit] from “60  
25 square feet if private, or 80 square feet if common” to “60 square feet if private, or 80 square



1 feet if common, or the amount of open space required in the nearest Residential District,  
 2 whichever is less,” as shown in the following sample Zoning Control Table:

Zoning Category	§ References	Zoning Control
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	60 square feet if private, or 80 square feet if common, <i>or the amount of open space required in the nearest Residential District, whichever is less.</i>

- 13
- 14           Sec. 714.     BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
- 15           Sec. 764.     UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT
- 16                             DISTRICT

17

18           (e) Article 7 of the Planning Code is hereby amended by revising the Zoning Control

19 Tables for each of the Sections listed below to change the Development Standards in the

20 Residential Standards and Uses controls for Usable Open Space [Per Dwelling Unit] from “80

21 square feet if private, or 100 square feet if common” to “80 square feet if private, or 100

22 square feet if common, or the amount of open space required in the nearest Residential

23 District, whichever is less,” as shown in the following sample Zoning Control Table:

Zoning Category	§ References	Zoning
-----------------	--------------	--------

		<b>Control</b>
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	80 square feet if private, or 100 square feet if common, <i>or the amount of open space required in the nearest Residential District, whichever is less.</i>

Sec. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Sec. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Sec. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Sec. 763. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL DISTRICT

(f) Article 7 of the Planning Code is hereby amended by revising the Zoning Control Tables for each of the Sections listed below to change the Development Standards in the Residential Standards and Uses controls for Usable Open Space [Per Dwelling Unit] from “60 square feet per unit if private, or 80 square feet per unit if common” to “60 square feet if

private, or 80 square feet if common, or the amount of open space required in the nearest Residential District, whichever is less” as shown in the following sample Zoning Control Table:

Zoning Category	§ References	Zoning Control
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	60 square feet <del>per unit</del> if private, or 80 square feet <del>per unit</del> if common, <u>or the amount of open space required in the nearest Residential District, whichever is less.</u>

- Sec. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
- Sec. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- Sec. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

(g) Article 7 of the Planning Code is hereby amended by revising the Zoning Control Tables for each of the Sections listed below to change the Development Standards in the Residential Standards and Uses controls for Usable Open Space [Per Dwelling Unit] from “100 square feet if private, or 133 square feet if common” to “100 square feet if private, or 133 square feet if common, or the amount of open space required in the nearest Residential District, whichever is less,” as shown in the following sample Zoning Control Table:

Zoning Category	§ References	Zoning
-----------------	--------------	--------

		<b>Control</b>
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	100 square feet if private, or 133 square feet if common, <i>or the amount of open space required in the nearest Residential District, whichever is less.</i>

Sec. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 750. NCT-1 NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT

(h) Article 7 of the Planning Code is hereby amended by revising the Zoning Control Tables for each of the Sections listed below to change the Street Frontage and Public Realm requirements in the Building Standards controls for Vehicular Access Restrictions from “None” to “See Section 155(r),” as shown in the following sample Zoning Control Table:

Zoning Category	§ References	Zoning Control
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Street Frontage and Public Realm</b>		
* * * *		

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Vehicular Access Restrictions	§155(r)  <i>See Section 155(r) None</i>
---	----------------------------------	---

- 3           Sec. 716.    INNER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT
- 4           Sec. 717.    OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT
- 5           Sec. 719.    HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 6           Sec. 720.    EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL
- 7                           DISTRICT
- 8           Sec. 724.    SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 9           Sec. 725.    UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 10          Sec. 726.    PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
- 11          Sec. 728.    24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL
- 12                           DISTRICT
- 13          Sec. 729.    WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
- 14          Sec. 730.    INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT
- 15          Sec. 731.    NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 16          Sec. 732.    IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 17          Sec. 733.    TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 18          Sec. 734.    JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 19          Sec. 757.    FOLSOM STREET NEIGHBORHOOD COMMERCIAL DISTRICT
- 20          Sec. 758.    REGIONAL COMMERCIAL DISTRICT
- 21          Sec. 759.    DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT
- 22                           DISTRICT
- 23          Sec. 760.    FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT
- 24                           DISTRICT

(i) Table 757. Folsom Street Neighborhood Commercial Transit District shall be revised as follows:

\* \* \* \*

**Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Folsom Street NCT Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136, 823(c)(2)	80 square feet <i>per unit</i> if private, or 100 square feet <i>per unit</i> if common— <del>roof decks do not qualify, or the amount of open space required in the nearest Residential District,</del> <u>whichever is less. Roof decks do not qualify.</u>

\* \* \* \*

(j) The table in Section 780.1, Lakeshore Plaza Special Use District shall be revised as follows:

**SEC. 780.1. LAKESHORE PLAZA SPECIAL USE DISTRICT.**

\* \* \* \*

Zoning Category No.	Controls
---------------------	----------

1 2 3 4 5 6 7	.70  <i>Non-Retail Sales and Services</i> <del>Administrative services</del> are permitted as principal uses at the first, second, and third stories.
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	.95  <i>Private Parking Garages</i> <del>Community residential garages</del> are permitted as conditional uses at the first story and below and not permitted above the first story.

\* \* \* \*

Section 4. Chapter 107 of the Administrative Code is amended by revising Sections 107.3 and 107.5, as follows:

**SEC. 107.3 LIST OF ESTABLISHED CULTURAL DISTRICTS.**

The Cultural Districts of the City and County of San Francisco are:

\* \* \* \*

**(d) ~~Compton's~~ Transgender Cultural District.** The Cultural District shall include the area defined as the north side of Market Street between Taylor Street and Jones Street, the south side of Ellis Street between Mason Street and Taylor Street, the north side of Ellis Street between Taylor Street and Jones Street, and 6th Street (on both sides) between Market Street and Howard Street.

**SEC. 107.5. ADDITIONAL STEPS FOR CULTURAL DISTRICTS ESTABLISHED BEFORE JUNE 1, 2018.**

~~(a)~~ The Mayor's Office of Housing and Community Development shall prepare CHHESS reports following the process set forth in Section 107.4(b)(5)-(7) regarding Calle 24 (Veinticuatro) Latino Cultural District, SoMa Pilipinas - Filipino Cultural Heritage District, ~~Compton's~~ Transgender Cultural District, and the Leather Lesbian, Gay, Bisexual, Transgender, Queer Cultural District. The Mayor's Office of Housing and Community Development shall produce CHHESS reports regarding at least two of these four Districts by

1 no later than July 1, 2019, and shall produce CHHESS reports regarding the other two  
2 Districts by no later than July 1, 2020. In preparing the CHHESS reports, the Mayor’s Office of  
3 Housing and Community Development shall consult with appropriate departments in its  
4 discretion and coordinate with people and organizations in the Districts. By no later than  
5 January 15, 2019 the Mayor’s Office of Housing and Community Development shall submit to  
6 the Board of Supervisors and the Mayor a written report describing the Office’s plan for  
7 preparation of these reports.

8

9 Section 5. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor’s veto of the ordinance.

13 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
17 additions, and Board amendment deletions in accordance with the “Note” that appears under  
18 the official title of the ordinance.

19

20 APPROVED AS TO FORM:  
21 DAVID CHIU, City Attorney

22 By: /s/ KRISTEN A. JENSEN  
23 KRISTEN A. JENSEN  
24 Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Planning, Administrative Codes - Code Corrections Ordinance]

**Ordinance amending the Planning and Administrative Codes to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

### Existing Law

This ordinance amends multiple sections of the Planning and Administrative Codes.

### Amendments to Current Law

The ordinance makes non-substantive amendments to multiple sections of the existing Codes in order to (1) correct errors in spelling, grammar, punctuation, content or format, (2) correct outdated cross-references, and make the Code language consistent with previous amendments; and (3) clarify existing text.

### Background Information

The Planning Code and Administrative Codes are amended frequently. Although the Planning Department and the City Attorney’s Office review individual ordinances, errors in grammar and syntax, mistakes in cross-references, and accidental additions, omissions and deletions of text occur due to the sheer number of legislative actions and the complexity of the Code. The Department and the City Attorney’s Office collect the Code errors and the Publisher also notes many of them in Codification Notes at the end of the section to which they apply. While many of these errors can be – and are – corrected in subsequent legislation, those errors that have not been corrected or code text clarified through subsequent legislation are recommended to the Board by the Planning Commission in an annual Code Corrections Ordinance.

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November 2, 2023

Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Transmittal and Request for Introduction  
Planning Department Case Number 2022-012067PCA: Code Corrections Ordinance 2023

Planning Commission Recommendation: **Approval with Modifications**

Dear Ms. Calvillo,

On September 28, 2023, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, initiated by the Planning Commission, that would amend the Planning and Administrative codes to correct typographical errors, update outdated cross-references, and make non-substantive language revisions to clarify/simplify Code language. At the hearing the Planning Commission recommended approval with modifications. All proposed modifications have been added to the attached ordinance.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Aaron D. Starr  
Manager of Legislative Affairs

cc: Kristen Jensen, Deputy City Attorney  
Erica Major, Office of the Clerk of the Board

**Attachments :**

Planning Commission Resolution

Planning Department Executive Summary

Ordinance Approved to Form: Word Version

Ordinance Approved to Form: PDF Version



# PLANNING COMMISSION RESOLUTION NO. 21395

**HEARING DATE: SEPTEMBER 28, 2023**

**Project Name:** Code Corrections Ordinance 2023  
**Case Number:** 2022-012067PCA  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD MAKE AMENDMENTS TO THE PLANNING CODE TO CORRECT TYPOGRAPHICAL ERRORS, UPDATE OUTDATED CROSS-REFERENCES, AND MAKE NON-SUBSTANTIVE LANGUAGE REVISIONS TO CLARIFY/SIMPLIFY CODE LANGUAGE. RESOLUTION; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, the Planning Director periodically requests that amendments be made to the Planning Code in furtherance of the Department’s goal to make the Planning Code clear and correct; and

WHEREAS, on July 20, 2023, the Planning Commission adopted a Resolution to initiate said amendments under Resolution No. 21362; and

WHEREAS, the proposed Planning and Administrative Code text changes would amend several sections of the Code as outlined in the draft Ordinance and incorporated herein; and

WHEREAS, due to multiple changes to the Planning Code, over time text has been dropped inadvertently, amendments made by one ordinance are not reflected in subsequent legislation, and citations have become out of date; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the proposed changes in the ordinance can be classified as “good government” measures meant to improve the clarity of the Planning Code; and

WHEREAS, such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code; and

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on September 28, 2023; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under California Environmental Quality Act Sections 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment:

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission’s proposed modifications are as follows:

The Department recommends that the Commission approve with modifications the proposed ordinance.

The Department’s proposed modifications are as follows:

1. **Section 249.92:** Reverse the FAR ratio in the Central Neighborhoods Large Residence SUD.

**SEC. 249.92**

**SEC. 308.2. APPEALS: VARIANCES AND ADMINISTRATIVE ACTIONS.**

\* \* \* \*

(b) **Notice of Appeal.** Any appeal under this Section shall be taken by filing written notice of appeal with the Board of Appeals within 10 days after the date of the written variance decision of the Zoning Administrator or within ~~15~~30 days of any other written determination of the Zoning Administrator.

less than 15%.

\* \* \* \*

Section 308.2: Change the appeal period from 15-30 days as was the intent through the Penalties for

Code Enforcement ordinance (BF 220878).

2. **Table 833:** Delete a confusing parenthetical which was erroneously added during the Article 8 Code reorganization.

**Table 833**

**MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

* * * *		
Zoning Category	§ References	Mixed Use-Residential District Controls
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * * *	* * * *	* * * *
<b>Non-Retail Sales and Service*</b>	§ <a href="#">102</a>	P(4)
* * * *	* * * *	* * * *

\* Not listed below

(1) P in historic buildings per § 803.9(b).

## Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Department supports the overall goals of the proposed Ordinance because it will increase the effectiveness of the Department’s the code enforcement program and deter future violations. The administrative penalty program has not been significantly updated since its creation in 2008, and as such, its process and penalty amounts have become less effective in inducing compliance with the Planning Code. The proposed Ordinance, with all recommended modifications, will give the Department much needed tools to increase the effectiveness of the Enforcement Division.

## General Plan Compliance

The proposed Ordinance and the Commission’s recommended modifications are consistent with the following Objectives and Policies of the General Plan:

### HOUSING ELEMENT

#### POLICY 40:

ENFORCE AND IMPROVE PLANNING PROCESSES AND BUILDING REGULATIONS TO ENSURE A HEALTHY ENVIRONMENT FOR NEW HOUSING DEVELOPMENTS, ESPECIALLY IN ENVIRONMENTAL JUSTICE.

*The proposed Ordinance will bring more consistency to the Planning Code, including areas that concern the development of housing. The proposed Ordinance will serve the General Plan by amending sections of the Planning Code to be consistent, clear, and concise. These amendments will improve the quality of the Planning Code and thereby make it easier for the objectives and policies of the Code to be carried out.*

### **Planning Code Section 101 Findings**

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss*

*of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

**Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 28, 2023.



Jonas P. Ionin  
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P  
Ionin  
Date: 2023.10.18 09:13:08  
-07'00'

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: September 28, 2023





# EXECUTIVE SUMMARY

## PLANNING & ADMINISTRATIVE CODE TEXT AMENDMENT

**HEARING DATE: September 28, 2023**

**Project Name:** Code Corrections Ordinance 2023  
**Case Number:** 2022-012067PCA  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533  
**Environmental Review:** Not a Project Under CEQA

**Recommendation:** Approval with Modifications

### Planning Code Amendment

The proposed Ordinance would amend the Planning and Administrative codes to correct typographical errors, update outdated cross-references, and make non-substantive language revisions to clarify/simplify Code language. The proposed Ordinance will also update outdated references to specific gender pronouns and amend the name of the Compton’s Transgender Cultural District in the Planning and Administrative codes to reflect the name change as approved by the District. All the proposed changes are considered non-substantive to the policies in and implementation of the Planning Code.

#### The Way It Is Now:

The Planning Code contains multiple grammatical and syntactical errors, unintentional cross-references and accidental additions and deletions that undermine the legitimacy and enforceability of the Planning Code as a regulatory document.

#### The Way It Would Be:

The proposed Ordinance seeks to correct these errors and improve the overall quality and readability of the Code. The specific proposed changes are attached as Exhibit B.

## Background

The Planning Code experiences frequent amendments. Although individual ordinances are reviewed by the Planning Department and the City Attorney's Office, the volume of legislative actions and complexity of the Code as a legal, living document ensures that errors will inadvertently arise. The Planning Department actively collects these reported errors and presents them as a Code Corrections Ordinance.

### General Plan Compliance:

Policy 40 of the Housing Element is to "Enforce and improve planning processes and building regulations to ensure a healthy environment for new housing developments, especially in environmental justice." The proposed Ordinance will bring more consistency to the Planning Code, including areas that concern the development of housing. The proposed Ordinance will serve the General Plan by amending sections of the Planning Code to be consistent, clear, and concise. These amendments will improve the quality of the Planning Code and thereby make it easier for the objectives and policies of the Code to be carried out.

## Recommendation

The Department recommends that the Commission **approve with modifications** the proposed ordinance. Since the July 20, 2023, initiation, staff has identified three additional needed code corrections that the City Attorney has deemed non-substantive (corrective in nature). The Department's proposed additions are as follows:

1. Section 249.92: Reverse the FAR ratio in the Central Neighborhoods Large Residence SUD.

#### **SEC. 249.92**

\* \* \* \*

[(e)] **Conditional Use Authorizations.** For all lots zoned RH within the Central Neighborhoods Large Residence Special Use District, a Conditional Use authorization shall be required for any residential development or expansion of a Residential Building that would result in any Dwelling Unit with a Gross Floor Area exceeding the equivalent of a ~~1:1:2~~ 1.2:1 Floor Area Ratio, or would result in any Dwelling Unit exceeding 3,000 square feet of Gross Floor Area, except where the total increase of gross floor area of any existing Dwelling Unit is less than 15%.

2. Section 308.2: Change the appeal period from 15-30 days as was the intent through the Penalties for Code Enforcement ordinance (BF 220878).

#### **SEC. 308.2. APPEALS: VARIANCES AND ADMINISTRATIVE ACTIONS.**

\* \* \* \*

(b) **Notice of Appeal.** Any appeal under this Section shall be taken by filing written notice of appeal with the Board of Appeals within 10 days after the date of the written variance decision of the Zoning Administrator or within ~~15~~30 days of any other written determination of the Zoning Administrator.

3. **Table 833:** Delete a confusing parenthetical which was erroneously added during the Article 8 Code reorganization.

**Table 833**

**MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

*****		
Zoning Category	§ References	Mixed Use-Residential District Controls
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
*****	*****	*****
<b>Non-Retail Sales and Service*</b>	<a href="#">§ 102</a>	P(1)
*****	*****	*****

\* Not listed below

(1) P in historic buildings per § 803.9(b).

**Basis for Recommendation**

This Ordinance is intended to correct identified errors in the Planning and Administrative codes. Although these are considered minor errors, they cannot be corrected without a legislative change. The proposed Ordinance will make the codes more consistent, accurate and easier to use.

**Recommendation 1: Section 249.92 - Reverse the FAR ratio in the Central Neighborhoods Large Residence SUD.** The SUD’s FAR limit was erroneously reversed in a substitute ordinance that was introduced during the Land Use & Transportation Committee hearing. The amendment the Planning Commission proposed, and that the Land Use Committee discussed and approved, was to increase the CUA trigger from 2,500sqft to 3,000sqft. A 1.2:1 FAR on a standard SF lot is 3,000sqft.

**Recommendation 2: Section 308.2 - Change the appeal period from 15-30 days as was the intent through the Penalties for Code Enforcement ordinance (BF 220878).** The recently passed ordinance's intent was to increase the appeal period from 15 to 30 days, however Sec. 308.2 was not amended to reflect as such and still states 15 days for appeal to the Board of Appeals for any action by the ZA except Variances. The new appeal period is already reflected in Sec. 176.

**Recommendation 3: Table 833 - Delete a confusing parenthetical which was erroneously added during the Article 8 Code reorganization.** The parenthetical makes it unclear where the use is Permitted.

## Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

## Environmental Review

The proposal to amend the Planning Code is not considered a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical in the environment.

## Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Appendix with List of Proposed Changes
- Exhibit C: R-21362
- Exhibit D: Proposed Ordinance



# PLANNING COMMISSION RESOLUTION NO. 21395

**HEARING DATE: SEPTEMBER 28, 2023**

**Project Name:** Code Corrections Ordinance 2023  
**Case Number:** 2022-012067PCA  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD MAKE AMENDMENTS TO THE PLANNING CODE TO CORRECT TYPOGRAPHICAL ERRORS, UPDATE OUTDATED CROSS-REFERENCES, AND MAKE NON-SUBSTANTIVE LANGUAGE REVISIONS TO CLARIFY/SIMPLIFY CODE LANGUAGE. RESOLUTION; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, the Planning Director periodically requests that amendments be made to the Planning Code in furtherance of the Department’s goal to make the Planning Code clear and correct; and

WHEREAS, on July 20, 2023, the Planning Commission adopted a Resolution to initiate said amendments under Resolution No. 21362; and

WHEREAS, the proposed Planning and Administrative Code text changes would amend several sections of the Code as outlined in the draft Ordinance and incorporated herein; and

WHEREAS, due to multiple changes to the Planning Code, over time text has been dropped inadvertently, amendments made by one ordinance are not reflected in subsequent legislation, and citations have become out of date; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the proposed changes in the ordinance can be classified as “good government” measures meant to improve the clarity of the Planning Code; and

WHEREAS, such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code; and

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on September 28, 2023; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under California Environmental Quality Act Sections 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment:

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission’s proposed modifications are as follows:

The Department recommends that the Commission approve with modifications the proposed ordinance.

The Department’s proposed modifications are as follows:

1. **Section 249.92:** Reverse the FAR ratio in the Central Neighborhoods Large Residence SUD.

**SEC. 249.92**

**SEC. 308.2. APPEALS: VARIANCES AND ADMINISTRATIVE ACTIONS.**

\* \* \* \*

(b) **Notice of Appeal.** Any appeal under this Section shall be taken by filing written notice of appeal with the Board of Appeals within 10 days after the date of the written variance decision of the Zoning Administrator or within ~~15~~30 days of any other written determination of the Zoning Administrator.

less than 15%.

\* \* \* \*

Section 308.2: Change the appeal period from 15-30 days as was the intent through the Penalties for

Code Enforcement ordinance (BF 220878).

2. **Table 833:** Delete a confusing parenthetical which was erroneously added during the Article 8 Code reorganization.

**Table 833**

**MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

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<b>Development Standards</b>		
* * * *	* * * *	* * * *
<b>Non-Retail Sales and Service*</b>	§ <a href="#">102</a>	P(4)
* * * *	* * * *	* * * *

\* Not listed below

(1) P in historic buildings per § 803.9(b).

## Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Department supports the overall goals of the proposed Ordinance because it will increase the effectiveness of the Department’s the code enforcement program and deter future violations. The administrative penalty program has not been significantly updated since its creation in 2008, and as such, its process and penalty amounts have become less effective in inducing compliance with the Planning Code. The proposed Ordinance, with all recommended modifications, will give the Department much needed tools to increase the effectiveness of the Enforcement Division.

## General Plan Compliance

The proposed Ordinance and the Commission’s recommended modifications are consistent with the following Objectives and Policies of the General Plan:

### HOUSING ELEMENT

#### POLICY 40:

ENFORCE AND IMPROVE PLANNING PROCESSES AND BUILDING REGULATIONS TO ENSURE A HEALTHY ENVIRONMENT FOR NEW HOUSING DEVELOPMENTS, ESPECIALLY IN ENVIRONMENTAL JUSTICE.

*The proposed Ordinance will bring more consistency to the Planning Code, including areas that concern the development of housing. The proposed Ordinance will serve the General Plan by amending sections of the Planning Code to be consistent, clear, and concise. These amendments will improve the quality of the Planning Code and thereby make it easier for the objectives and policies of the Code to be carried out.*

### **Planning Code Section 101 Findings**

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss*



*of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

**Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 28, 2023.



Jonas P. Ionin  
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P  
Ionin  
Date: 2023.10.18 09:13:08  
-07'00'

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: September 28, 2023

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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## MEMORANDUM

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Date: November 22, 2023  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 231144  
Planning, Administrative Codes - Code Corrections Ordinance

---

California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)

Ordinance / Resolution

Ballot Measure

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

12/11/23

A handwritten signature in black ink, appearing to be "John Carroll".

Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)

General Plan     Planning Code, Section 101.1     Planning Code, Section 302

Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)

General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)

(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

Historic Preservation Commission

Landmark (*Planning Code, Section 1004.3*)

Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)

Mills Act Contract (*Government Code, Section 50280*)

Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).